

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 74729

John Gatch

277 Montrose Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 26, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, 428, 415A, failure to tag or remove all unlicensed vehicles, failure to tag or remove boat on trailer on residential property zoned DR 5.5 known as 277 Montrose Avenue, 21221.

On April 26, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 23, 2010 for removal of untagged/inoperative motor vehicles from this residential property, remove open dump/junk yard, remove trash and debris, store garbage in cans with tight lids, unsanitary conditions, tag/remove boat with trailer, remove commercial vehicle. This Citation was issued on April 26, 2010.

B. Photographs in the file show a red Ford Taurus with expired license plates parked in the yard of this residential property. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicle and make it operable, or remove it from the property.

C. Photographs show a blue commercial box truck with no license plates parked in the driveway. As noted above, County zoning regulations prohibit the outside storage of unlicensed motor vehicles. In addition, a commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle. BCZR Section 431.1. Respondent must remove this commercial vehicle from the property.

D. Photographs show a recreational boat on a trailer with no license tags. This recreational trailer and boat can be stored outside in certain locations on a residential lot, but must have a current license. BCZR Section 415A.1.

E. Re-inspection on May 25, 2010 found the three violations not corrected. Respondent must put valid licenses on the Ford and the trailer or remove them from the property. The commercial vehicle must be removed from the property. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. If the violations are not corrected, Respondent will be subject to additional Citation with possible additional civil penalties, and the County may be authorized to remove the vehicles at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by July 6, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 3rd day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer